

INFORMATION SHEET FOR 42:1113D - PUBLIC SERVANTS

◆ WHO IS REQUIRED TO FILE:

Each person identified below shall file a report with the Board of Ethics, by May fifteenth of each year of his term of office or of his service in his position, identifying the parties to and the value and term of each contract between him or his spouse or legal entity of a person and state government during the previous calendar year:

- (a) A legislator and any person who has been certified by the secretary of state as elected to the legislature.
- (b) The governor and each person holding statewide elected office.
- (c) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Economic Development.
- (d) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Culture, Recreation and Tourism.
- (e) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Environmental Quality.
- (f) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Health and Hospitals.
- (g) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Louisiana Workforce Commission.
- (h) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Natural Resources.
- (i) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Public Safety and Corrections and any warden or assistant warden of a state penal institution.
- (j) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Revenue.
- (k) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Social Services.
- (l) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Transportation and Development.
- (m) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Wildlife and Fisheries.
- (n) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Veterans' Affairs.
- (o) The executive secretary of the Public Service Commission.
- (p) The director of State Civil Service.
- (q) Each member of the State Board of Elementary and Secondary Education.
- (r) The commissioner of higher education and the president of each public postsecondary education system.
- (s) Each member of the Board of Ethics and the ethics administrator.

- (t) The chief of staff to the governor.
- (u) The commissioner of the division of administration.
- (v) The executive counsel to the governor.
- (w) The legislative director for the governor.
- (x) The deputy chief of staff to the governor.
- (y) The director of policy for the governor.
- (z) The assistant commissioner for management and finance, the deputy commissioner, the confidential assistant, and each assistant commissioner of the Department of Agriculture and Forestry.
- (aa) The superintendent of education, the deputy superintendent of education, the deputy superintendent for management and finance, and each assistant superintendent of the Department of Education.
- (bb) The chief deputy commissioner, each deputy commissioner, the assistant commissioner, and the executive counsel for the Department of Insurance.
- (cc) The first assistant attorney general of the Department of Justice.
- (dd) The deputy secretary of the Department of State, the deputy secretary for the office of the Uniform Commercial Code, and the deputy secretary for the office of GeauxBiz or his successor.
- (ee) Each deputy state treasurer and each assistant state treasurer of the Department of the Treasury.

◆ **SECTION 1113D(4)(a) SHALL NOT APPLY TO:**

The Spouses of the Deputy Secretaries, Undersecretaries, Assistant Secretaries, or Equivalent Positions in the Following Agencies:

- (a) Department of Economic Development.
- (b) Department of Culture, Recreation and Tourism.
- (c) Department of Environmental Quality.
- (d) Department of Health and Hospitals.
- (e) Louisiana Workforce Commission.
- (f) Department of Natural Resources.
- (g) Department of Public Safety and Corrections.
- (h) Department of Revenue.
- (i) Department of Social Services.
- (j) Department of Transportation and Development.
- (k) Department of Wildlife and Fisheries.
- (l) Department of Veterans' Affairs.
- (m) Department of Agriculture and Forestry.
- (n) Department of Education.
- (o) Department of Insurance.
- (p) Department of Justice.
- (q) Department of State.
- (r) Department of Treasury.

- ◆ **WHEN IS THE REPORT DUE:** Annually by May 15th beginning with May 15, 2009.
- ◆ **WHAT IS THE REPORTING PERIOD:** The initial report due on May 15, 2009 shall cover the reporting period of March 3, 2008 through December 31, 2008. Each report due thereafter shall cover the previous calendar year.
- ◆ **WHERE IS THE REPORT FILED:** The report is filed with the Louisiana Board of Ethics either through mail, hand delivery, or facsimile to:

P.O. Box 4368 or 617 N. 3Rd Street or (225) 381-7271
Baton Rouge, LA 70821 Rm #1036
Baton Rouge, LA 70802

◆ **IMPORTANT DEFINITIONS:**

"Legal Entity of a Person" means any corporation, partnership, or other legal entity in which a person identified in Item (ii) of this Subparagraph or the spouse of such person owns an interest of greater than five percent, except a publicly traded corporation or a legal entity in which the person owns a passive ownership interest that is the result of participation in a federally approved program of employee ownership.

"State Government" means any branch, agency, department, or institution of state government or with the Louisiana Insurance Guaranty Association, the Louisiana Health Insurance Guaranty Association, or any other state quasi public entity created in law.

◆ **THE FOLLOWING SHALL NOT BE CONSIDERED A CONTRACT FOR PURPOSES OF THIS SECTION.**

- A foster parent provider agreement or a child care provider agreement entered into with the Department of Social Services.
- An agreement with a state entity or state quasi-public entity for housing, medical treatment, retirement benefits, or insurance benefits provided on the same terms and conditions available to similarly situated persons.
- An agreement providing for public assistance benefits, including but not limited to subsidies for agriculture, aquaculture, forestry, soil and water conservation, educational scholarships, grants and subsidies, or guaranteed student loans, provided that such benefits are available to similarly situated persons.
- An agreement for which the compensation is solely reimbursement of costs.
- Applying for, payment of fees for, or obtaining a license, credential, or permit provided that such license, credential, or permit is available to similarly situated persons.

- The payment of admission fees.
- The sale of property pursuant to the expropriation of immovable property by any branch, agency, department, or institution of state government.
- The donation of professional veterinary services and the donation of any goods and services related to the provision of such veterinary services.
- Any transaction valued at two thousand five hundred dollars or less. However, no person shall enter into separate transactions valued at two thousand five hundred dollars or less as a subterfuge to avoid the prohibition of this Subsection.

◆ **THIS SECTION DOES NOT PROHIBIT THE FOLLOWING CONTRACTS:**

- Contracts for employment in a professional educational capacity in or for professional services for an elementary or secondary school or other educational institution.
- A provider agreement entered into with the Department of Health and Hospitals under the state medical assistance program.
- Contracts of employment of a physician or other licensed health care professional with the state or the charity hospitals of the state or the Department of Health and Hospitals.
- Contracts for employment or for services by any licensed health care professional providing services in the classroom or working with administration in an elementary or secondary school or other educational institution.
- Contracts for services by health care professionals which are required by federal or state law to provide an educational program for students in an elementary or secondary school or other educational institution.

◆ **THIS SECTION DOES NOT PROHIBIT THE COMPLETION OF THE FOLLOWING CONTRACTS:**

- Completion of any contract which, at the time it was entered into, was not prohibited by the provisions of Section 1113D(2); however, **no such contract shall be renewed except as specifically provided for in Section 1113D.**
- Completion of any contract between a person identified above or his spouse or a legal entity of a person and state government, which contract was awarded by competitive bidding after being advertised and awarded in accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, or competitively negotiated through a request for proposal process or any similar competitive selection process in accordance with Chapter 16 or 17 of Title 39 of the Louisiana Revised Statutes of 1950 or which contract, other than a contract for consulting services, was not competitively negotiated through a request for

proposal process or any similar competitive selection process in accordance with Chapter 16 or 17 of Title 39 of the Louisiana Revised Statutes of 1950, and which contract was entered into prior to March 3, 2008; however, **no such contract shall be renewed for a period extending beyond January 9, 2012.**

- A contract for professional services entered into by a person selected pursuant to Part VII of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950 with any agency or entity of state government with which such person had a contract for professional services pursuant to Part VII of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950 at any time prior to March 3, 2008, or at any time prior to the initiation of the public service which made the person subject to the provisions of this Subsection; however, **no contract for such professional services shall be entered into after January 8, 2012.**